

REMARKS/ARGUMENTS

Applicant has reviewed and considered the subject office action and amended the claims in response to the rejections as set forth hereinafter.

Regarding the rejection in paragraph 2 of claims 3, 4, 10-11 and 26-27 under 35 U.S.C. §112, Applicant has amended claim 2 to provide structural definition to the compression ratio in terms of the ratio of the distances between the leading edges and the trailing edges of the one or more sets of two paddle blades. This structural definition then provides a basis for the means for increasing the compression ratio in claim 3 and the means for increasing the rotation in claim 4.

Regarding the rejection of claims 10 and 11, although claims 10 and 11 may not further define the structure of the invention itself, claims 10 and 11 do further define the structure of the pre-determined consistency of the mix for which the invention is designed to be used. The same remark is applicable to claims 26 and 27. Accordingly, these claims would appear to be appropriate to keep in the application.

Regarding the rejection in paragraph 4 in which many of the claims have been rejected under 35 U.S.C. §102(b) based on the Meriam (US patent no. 85,117), Applicant has reviewed Meriam and notes that a significant difference in structure between Applicant's invention and that cited in Meriam exists.

In Meriam, each one of each set of two paddle blades is angled to the direction of travel and although such would still provide compressive mixing when used with some mixtures, it would not function with solid/liquid ingredients as does Applicant's invention.

In Applicant's invention the radially outer paddle blade of each set of two paddle blades is parallel or in line with the direction of circumferential travel. This structure is essential to mixing the pre-determined consistencies of mix for which Applicant's invention is designed, that is, mixtures of liquids and solids, such as in cement (which is a mixture of water, sand and concrete) or food mixtures, such as cornmeal, milk and eggs. Thus, as designed, Applicant's device will not only compressively mix the ingredients, but also slice, by means of the outer paddle, the solids in the mix so that a more consistent mixture is obtained. Furthermore, during the mixing process Applicant's invention would require less energy than the device disclosed in Meriam or the other cited patents.

More particularly, the devices in Meriam and other prior art would not slice the solids in a mixture, but would leave dry lumps which would result in an inferior product. Moreover, due to the angle positions of both blades of Meriam, Meriam would require more power than Applicant's device whether it is used manually or connected to a machine.

Accordingly, Applicant has amended the independent claims 1, 23 and 30 to emphasize and incorporate this major distinction, which was disclosed in the original drawing figures and specification.


A review of the Bradley (US patent no. 95,075) device also shows a similar structure to Meriam as does Vollrath (US patent no. 2,122,187) and accordingly, even combining such patents would not render Applicant's invention, as now claimed, obvious.

In view of the above amendments and remarks, Applicant believes the rejection of the claims should be withdrawn and his patent application passed to allowance as expeditiously as possible.

Applicant has also examined and considered the prior art of record which was not relied upon, but as none of the prior art discloses a structure as now claimed by Applicant, no further comments are deemed necessary.

Should the examiner disagree or have any questions, comments or suggestions that will expedite the allowance of this patent application, a call to the undersigned attorney of record is invited.


Respectfully submitted,
James Clifford Fink, Jr., Applicant

By: 
Edward M. Livingston, Esq.
Edward M. Livingston, P.A.
628 Ellen Dr.
P.O. Box 1599
Winter Park, FL 32790
(407) 629-4545

Attorney for Applicant
Reg. No. 28,523

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I HEREBY CERTIFY that the above Response and Amendment is being deposited with the United States Postal Service by first class mail on the 20th day of August, 2003, addressed to Mail Stop No Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Legal Assistant